REMARKS

The claims have not been amended, and therefore, twenty (20) claims remain pending in the application: Claims 1-6 and 19-32. Reconsideration of claims 1-6 and 19-32 in view of the remarks below is respectfully requested.

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Information Disclosure Statement

1. Applicants again request that the Examiner consider the references cited and submitted in Information Disclosure Statements of November 17, 2003; January 2, 2004; May 20, 2004; and May 24, 2004.

Double Patenting

2. The Examiner has provisionally rejected claims 1-6 and 19-32 based on nonstatutory double patenting with reference to U.S. Patent Application Nos. 09/488,614 and 09/488,155, and has further rejected claims 1-6 and 19-32 based on nonstatutory double patenting with reference to U.S. Patent No. 6,769,130. Applicants submit here with terminal disclaimers disclaiming patent terms that extend beyond the term of U.S. Patent No. 6,769,130.

Applicants respectfully further submit that subsequent Terminal Disclaimers will be filed with respect to U.S. Patent Application Nos. 09/488,614 and 09/488,155 once of patentable subject matter is designated by the Examiner.

Claim Rejections - 35 U.S.C. §103

3. Claims 1-3, 5, 6, 19-26, 28-32 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 6,591,420 (McPherson et al.) in view of U.S. Patent No. 6,124,854 (Sartain et al.). Applicants respectfully submit, however, that the combination of the

McPherson and Sartain patents fail to teach each element as claimed in at least independent claims 1, 22 and 30.

More specifically, claim 1 for example recites in part:

> (a) receiving a request utilizing a network for viewing an event;
> (b) queuing the request in memory;
> (c) creating an object at a host in response to the request, the object adapted to playback the event on a client apparatus simultaneous with the playback of the event on the remaining client apparatuses upon the receipt of an activation signal, wherein only the host can create the object; and
> (d) sending the object to one of the client apparatuses utilizing the network for being stored therein;
> wherein the event is not communicated over the network in real-time during the playback of the event where network bandwidth use is limited.

Both the McPherson and the Sartain patents fail to teach at least "creating an object at a host in response to the request", creating an "object adapted to playback the event", creating an object "adapted to playback the event on a client apparatus simultaneous with the playback of the event on the remaining client apparatuses", and the object adapted to playback the event ... upon the receipt of an activation signal". The Examiner relies on the McPherson patent suggesting that the McPherson patent describes the "object" as claimed.

The McPherson patent fails to teach or suggest at least the creating of an object in response to a request. The Examiner admits on page 6 of the office action that McPherson does not disclose "receiving a request utilizing a network for viewing an event." Therefore, the McPherson patent cannot teach generating an object in response to the request.

Further, the McPherson patent does not teach an object adapted to playback the event. In rejecting claim 1, the Examiner cites Figure 2; Abstract; col. 1 lines 65-col. 2 line 14; and col. 3 lines 1-15 of the McPherson patent in attempts to support the rejection. The Examiner attempts to equate the claimed "object" to a "program" (i.e., content to be viewed) described in the McPherson patent. The "program" described in the McPherson patent is "programs for replay by customers" and includes "musical audio and/or video programs." (McPherson, col. 1, lns. 8-11). Musical audio and/or video programs are not equivalent to the "object" recited in

claim 1. Further, musical audio and/or video programs are not adapted to cause the playback of an event, and instead are played by the user upon a user's discretion. Therefore, the "program" cited by the Examiner is not an "object" as recited in claim 1, and the "program" of the McPherson patent cited is not "adapted to playback the event" as claimed.

The McPherson patent does describe decryption key, control or release signal, and a time stamp. However, these are not an "object" configured to playback an event as recited in claim 1. Instead, the decryption key, control signal and time stamp simply allow access to the program content (i.e., musical audio and/or video programs). More specifically, the McPherson patent describes the "control signal ... which in this case is the decryption key" that allows decryption of the content, and does not cause playback of the event. (McPherson, col. 3, lns. 19-20). Therefore, the McPherson patent does not teach or suggest an object configured to playback an event as claimed, and instead only describes decryption keys and time stamps that allow a user to access a "program" when the user desired.

Still further, the McPherson patent does not teach the simultaneous playback on the client apparatus with the playback of the event on the remaining client apparatuses. Instead, the McPherson patent specifically teaches away from simultaneous playback by intentionally allowing the user to select when to initiate the playback, such that the playback is at the user's will. (McPherson, Abstract). The main objective of the McPherson patent is to allow a program to be distributed that "can be replayed at least a first time only at or after a critical time selectively determined by the distributor." (McPherson, col. 1, lns. 54-56, emphasis added). The McPherson patent describes supplying "programs for replay by customers" where content is played back when desired by the user. (McPherson, col. 1, lns. 8-11, emphasis added). The McPherson patent describes allowing content to be distributed and to prevent access to the content until a predefined date. Following that date users can access the content at the user's discretion. There is no teaching or suggestion that the content is played back simultaneously on the client apparatus with the playback of the event on the remaining client apparatuses. Therefore, the McPherson patent does not teach each element as recited in claim 1.

Furthermore, the McPherson patent does not teach an "object adapted to playback the event ... upon the receipt of an activation signal". The McPherson patent only described allowing access to the content upon the expiration of a desired time. Following this time period, the user is allowed to access the content when the user desires. There is no discussion or suggestion of an activation signal as claimed.

The Sartain patent also fail to teach at least "creating an object at a host in response to the request", creating an "object adapted to playback the event", creating an object "adapted to playback the event on a client apparatus simultaneous with the playback of the event on the remaining client apparatuses", and the object adapted to playback the event ... upon the receipt of an activation signal".

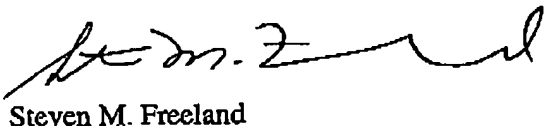
Independent claims 22 and 30 include language similar to that recited from claim 1 for the creating of an object. Section 2143.03 of the MPEP states that in order "to establish a prima facie case of obviousness of a claimed invention, all of the claimed limitations must be taught or suggested by the prior art." Therefore, a prima facie case of obviousness is not met by the combination of the McPherson patent in view of the Sartain patent. Therefore, independent claims 1, 22 and 30 and all claims that dependent from claims 1, 22, and 30 are not obvious over the McPherson patent in view of the Sartain patent, and are thus in condition for allowance.

CONCLUSION

Applicants submit that the above amendments and remarks place the pending claims in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

Respectfully submitted,

Dated: May 2, 2005



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